

United States District Court
Central District of California

****MODIFIED SENTENCE****

UNITED STATES OF AMERICA vs.

Docket No. 2:95-cr-01070-SYW

Defendant On Wong

Social Security No. 7 0 5 5

akas: _____

(Last 4 digits)

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
02	04	2013

COUNSEL

Robert Darren Cornforth, retained

(Name of Counsel)

PLEA

☒ **GUILTY**, and the court being satisfied that there is a factual basis for the plea. ☐ **NOLO** ☐ **NOT**
CONTENDERE **GUILTY**

FINDING

There being a finding/verdict of **GUILTY**, defendant has been convicted as charged of the offense(s) of:
BANK FRAUD; CAUSING AN ACT TO BE DONE; CRIMINAL FORFEITURE in violation of 18 USC 1344(1), 2(b) as charged in Count 1 of the Indictment

**JUDGMENT
AND PROB/
COMM
ORDER**

The Court asked whether there was any reason why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of:

THREE (3) MONTHS

The defendant shall serve this three month period under house arrest, with no supervision to follow.

Defendant shall pay restitution in the total amount of \$4153.00 to victims as set forth in a separate victim list attached herewith, which this court adopts and which reflects the Court's determination of the amount of restitution due to each victim.

Restitution is due immediately and shall be paid in one lump sum within the period of house arrest.

All other terms and conditions remain the same as previously imposed, except for the modification listed above.

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

2/5/17
Date

Stephen V. Wilson
STEPHEN V. WILSON, U. S. District Judge

It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

2/5/13
Filed/Date

Clerk, U.S. District Court
By Paul M. Cruz
Paul M. Cruz (Deputy Clerk)



1111

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependents and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer at least 10 days prior to any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
15. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours;
16. and, for felony cases only: not possess a firearm, destructive device, or any other dangerous weapon.

☒

The defendant will also comply with the following special conditions pursuant to General Order 01-05 (set forth below).

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant shall pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment pursuant to 18 U.S.C. §3612(f)(1). Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. §3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed prior to April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant shall pay the balance as directed by the United States Attorney's Office. 18 U.S.C. §3613.

The defendant shall notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. §3612(b)(1)(F).

The defendant shall notify the Court through the Probation Office, and notify the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. §3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution-pursuant to 18 U.S.C. §3664(k). See also 18 U.S.C. §3572(d)(3) and for probation 18 U.S.C. §3563(a)(7).

Payments shall be applied in the following order:

1. Special assessments pursuant to 18 U.S.C. §3013;
2. Restitution, in this sequence:
 - Private victims (individual and corporate),
 - Providers of compensation to private victims,
 - The United States as victim;
3. Fine;
4. Community restitution, pursuant to 18 U.S.C. §3663(c); and
5. Other penalties and costs.

SPECIAL CONDITIONS FOR PROBATION AND SUPERVISED RELEASE

As directed by the Probation Officer, the defendant shall provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure; and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant shall not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant shall maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds shall be deposited into this account, which shall be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, shall be disclosed to the Probation Officer upon request.

The defendant shall not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

These conditions are in addition to any other conditions imposed by this judgment.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____

Defendant noted on appeal on _____

Defendant released on _____

Mandate issued on _____

Defendant's appeal determined on _____

USA vs. On Wong Docket No.: 2:95-cr-01070-SVW

Defendant delivered on _____ to _____
at _____
the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

Date By _____
Deputy Marshal

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

Filed Date By _____
Deputy Clerk

FOR U.S. PROBATION OFFICE USE ONLY

Upon a finding of violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) _____
Defendant Date

U. S. Probation Officer/Designated Witness Date

UNITED STATES OF AMERICA vs.

Defendant's Name ON WONG

& Residence 1815 S. 8th Street
Alhambra, CA 91803

Address _____

Docket No. CR - 95-1070-WJR

Social Security No. 555-79-7055

Mailing Address SAME

JUDGMENT AND PROBATION / COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH DAY YEAR
01 27 97

COUNSEL

☐

WITHOUT COUNSEL

However, the Court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the Court and the defendant thereupon waived assistance of counsel.

☒

WITH COUNSEL

JOHN KEMP, Retained

(Name of Counsel)

FEB 19 1997

PLEA

☒

GUILTY, and the Court being satisfied that there is a factual basis for the plea.

☐

NOLO CONTENDERE

☐

NOT GUILTY

FINDING

There being a finding/verdict of ☐ **GUILTY**, defendant has been convicted as charged of the offense(s) of:

18 USC 1344(1), 18 USC 2(b): Bank Fraud; Causing an Act to be Done (Count 1).

**JUDGMENT
AND PROB.
COMMITMENT
ORDER**

The Court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of: Three(3) months. Further, upon release from custody, the defendant shall be placed on supervised release for a term of three(3) years under the following terms and conditions:

The defendant shall comply with the rules and regulations of the United States Probation Office and General Order 318;

The defendant shall refrain from any unlawful use of commercial transactions;

The defendant is subject to home (arrest) detention for a term of three(3) months;

The defendant shall comply with the rules and regulations of the Immigration and Naturalization Service(INS), and if deported from this country, either voluntarily or involuntarily, not reenter the United States illegally. Within 72 hours of release from custody or any reentry to the United States during the period of Court-ordered supervision, the defendant shall report to the United States Probation Office, located at the United States Courthouse, 312 North Spring Street, Room 600, Los Angeles, California, for instruction;

If the amount of any mandatory assessment or restitution imposed by this judgment remains unpaid at the commencement of the term of community supervision, the defendant shall pay such remainder as directed by the Probation Officer;

(SEE NEXT PAGE)

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release set out on the reverse side of this judgment be imposed. The Court may change the conditions of supervision, or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

☐

This is a direct commitment to the Bureau of Prisons, and the Court has NO OBJECTION should the Bureau of Prisons designate defendant to a Community Corrections Center.

Signed By: ☒

U.S. District Judge

William J. Rea
WILLIAM J. REA

☐

U.S. Magistrate

Sherri R. Carter
SHERRI R. CARTER,
CLERK

It is ordered that the Clerk deliver a certified copy of this Judgment and Probation / Commitment Order to the U.S. Marshal or other qualified officer.

Dated / Filed

02-16-97

By

Deputy Clerk

STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this Judgment:

1. The defendant shall not commit another Federal, state or local crime;
2. the defendant shall not leave the judicial district without the written permission of the court or probation officer;
3. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
4. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
5. the defendant shall support his or her dependents and meet other family responsibilities;
6. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
7. the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
8. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
9. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered;
10. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
11. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
12. the defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
13. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
14. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to conform the defendant's compliance with such notification requirement;
15. the defendant shall not possess a firearm or other dangerous weapon;
16. the defendant shall, upon release from any period of custody, report to the probation officer within 72 hours

These conditions are in addition to any other conditions imposed by this Judgment.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____
Defendant noted appeal on _____
Defendant released on _____
Mandate issued on _____
Defendant's appeal determined on _____
Defendant delivered on _____ to _____
at _____, the institution designated
by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

UNITED STATES MARSHAL

DATED: _____

BY: _____

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

CLERK, U.S. DISTRICT COURT

DATED: _____

BY: _____

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Page 2

JUDGMENT AND SENTENCING (CONT'D)

Pursuant to 18 USC 3663, it is ordered that the defendant shall make restitution to the following aggrieved parties in the following amounts:

<u>VICTIM/ADDRESS</u>	<u>AMOUNT</u>
AT & T Universal Card Services Acct. # 5396 5600 2004 8793 P.O. Box 45253 Jacksonville, Florida 32232-9858	\$1,083
Colonial National Bank Acct. # 4428 8749 3101 6756 P.O. Box 15118 Wilmington, Delaware 19886	\$ 349
Discover Card Services Acct. # 6011 0004 4010 6411 P.O. Box 29024 Phoenix, Arizona 85038	\$ 181
Mellon Bank (Automobile Club Gold MC) Acct. # 5403 7700 4027 6818 Recovery Section P.O. Box 360617 Pittsburgh, Pennsylvania 15230	\$2,540

Further, pursuant to Section 5E1.2(f) of the Guidelines, all fines are waived, including the costs of imprisonment and supervision.

The defendant is ordered to pay a special assessment of \$50.

The Government moves to dismiss count 2 in the interest of justice.
IT IS SO ORDERED.

The defendant is ordered to surrender to the institution designated by the Bureau of Prisons on or before March 1, 1997, 12:00 NOON. In the absence of such designation, the defendant shall surrender to the United States Marshals Service, 312 North Spring Street, Main Street Level, Los Angeles, California on or before March 1, 1997, 12:00 NOON.

BOND IS ORDERED EXONERATED UPON SURRENDER.

AO 245 S (Rev. 4/90) Sheet 7 - Statement of Reasons

Defendant: ON WONG
Case Number: CR 95-1070-WJR

Judgment—Page _____ of _____

STATEMENT OF REASONS

☒ The court adopts the factual findings and guideline application in the presentence report.

OR

☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:

Total Offense Level: 11

Criminal History Category: I

Imprisonment Range: 8 to 14 months

Supervised Release Range: 3 to 5 years

Fine Range: \$ 2000 to \$ 20,000

☒ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 4153

☐ Full restitution is not ordered for the following reason(s):

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

☒ upon motion of the government, as a result of defendant's substantial assistance.

☐ for the following reason(s):

